



Deposition of:
Tom Poczekay

November 6, 2019

In the Matter of:
**Bartley, Laelonnie v. Blackwell's
Automobile Leasing**

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1 A. No, I don't.

2 Q. Could weight be a factor?

3 MR. BRANTLEY: Object to the form of the
4 question, calls for speculation.

5 THE WITNESS: Many things could be
6 factors in that.

7 BY MR. McMICKLE:

8 Q. So have you ever seen any analysis
9 or investigation of any type, however slight,
10 that would suggest that it was safe to tow a
11 compressor that weighed over 4,000 pounds on a
12 public highway?

13 A. Could you -- sorry, I lost the
14 question.

15 Q. Have you ever seen anything, whether
16 it be research, analysis, et cetera, that
17 would suggest that it was safe to tow, say, a
18 Tier 3 compressor weighing over 4,000 pounds
19 without brakes on a public highway?

20 A. I've not seen any research or
21 document that would have said that.

22 Q. To your knowledge, did Sullair ever
23 look into and try to answer that question?

24 MR. BRANTLEY: Object to the form of the
25 question.

1 THE WITNESS: I have no knowledge of
2 that.

3 BY MR. McMICKLE:

4 Q. Okay. Did Sullair rely upon any
5 legal opinion in determining to make brakes a
6 standard feature on the iT4 product in 2011 or
7 2012?

8 MR. BRANTLEY: Object to the form of the
9 question.

10 THE WITNESS: Not that I'm aware of.

11 BY MR. McMICKLE:

12 Q. Do you recall anyone seeking any
13 legal interpretation of state law regulations
14 or federal regulations as part of the
15 decision-making process to determine whether
16 brakes should be a standard feature on the iT4
17 product?

18 MR. BRANTLEY: Objection, asked and
19 answered and do not respond to the extent it
20 asks for attorney/client privileged information.

21 BY MR. McMICKLE:

22 Q. Well, let me rephrase it and just
23 make sure. I'm not asking for the content
24 right now. I'm just asking if you're aware of
25 any legal analysis being done back in 2011 or